

Dec. 2. 2005 3:59PM Fay Sharpe

No. 4008 P. 1

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DEC 02 2005

Fay Sharpe

WE PROTECT YOUR IDEAS.

Date	December 2, 2005	Total Pages: 4
To:	The U.S. Patent and Trademark Office	
Attn.:	Examiner Jack W. Lavinder	
Facsimile No.:	(571) 273-8300	
From:	Michael E. Hudzinski	
Re:	Our Ref.: MEDZ 2 01118	

COMMENTS

Letter Noting Discrepancy in Notice of Allowability

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PAGE 1/4 \* RCVD AT 12/2/2005 3:00:42 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/30 \* DNIS:2738300 \* CSID:216 241 1666 \* DURATION (mm:ss):01:02

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No. 4008 iP. 2

DEC 02 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : KOLODY, et al.  
TITLE : RADIOLUCENT SURGICAL  
TABLE WITH LOW SHADOW  
ACCESSORY INTERFACE  
PROFILE  
APPLICATION NO. : 09/804,287  
FILED : March 12, 2001  
CONFIRMATION NO. : 7462  
EXAMINER : Thomas Y. Ho  
ART UNIT : 3677  
LAST OFFICE ACTION : August 2, 2005  
NOTICE OF ALLOWANCE : November 4, 2005  
ATTORNEY DOCKET NO. : MEDZ 2 01118  
Cleveland, OH 44114  
December 2, 2005

LETTER NOTING DISCREPANCY IN NOTICE OF ALLOWABILITY

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully submit that the set of allowed claims as noted in the Notice of Allowability is inconsistent with applicants' set of claims pending in this application.

More particularly, it is to be noted that claim 27 has been canceled from consideration.

Accordingly, the allowed claims as listed in the Notice of Allowability should include claims 1, 5-17, 21-26, 28-30, and 33-39.

Applicants are bringing this to the attention of the Office as a courtesy and to help expedite the handling of this application.

The issue fee is due for payment on February 6, 2006.

The issue fee has not yet been paid.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

12 DEC 45  
Date

*Michael E. Hudzinski*  
Thomas E. Kocovsky, Jr., Reg. No. 28,383  
Michael E. Hudzinski, Reg. No. 34,185  
1100 Superior Avenue  
7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Letter Noting Discrepancy in Notice of Allowability is being

deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile to No. (571) 273-8300 in accordance with 37 C.F.R. § 1.8 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature
	<i>Barbara Brazier</i>
Date	Printed Name
December 2, 2005	Barbara Brazier

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No. 4008 P. 4

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**Notice of Allowability**

<b>Application No.</b>	<b>Applicant(s)</b>	
09/804,287	KOLODY ET AL	
<b>Examiner</b>	<b>Art Unit</b>	
Jack W. Lavinder	3677	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

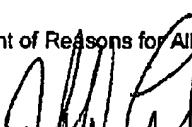
1.  This communication is responsive to 9/23/05.
2.  The allowed claim(s) is/are 1,5-17,21-30,33-39.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**COPY****Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08).  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material

5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413).  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

  
 Jack W. Lavinder  
 Primary Examiner  
 Art Unit: 3677